

June 16, 1997

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 16, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: Mayor Kerckhoff.

Also present: Interim City Manager Cecil Brown, City Attorney William I. Thornton, Jr., City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Pro Tem Robinson called the meeting to order asking for priority items from the Interim City Manager, City Attorney and City Clerk. City Clerk Bowers informed the council of valid protest petitions filed against GBA #11 [Zoning Case P97-9, Harold Bagwell].
[No priority items from the City Manager/City Attorney]

Mayor Pro Tem Robinson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Council Member Cox requested that Consent 32a [Site Plan Approval for Farmington Assisted Living Center] be held until the July 21, 1997 City Council Meeting.

**SUBJECT: SITE PLAN APPROVAL - FARMINGTON ASSISTED
LIVING CENTER**

To approve a site plan for Farmington Assisted Living Center, submitted by Tony Free, representing Days Development Company, consisting of a 38-bed, 1-story, 21,874-square foot building on 5.88 acres, zoned RM-12, F/J-B, located on the north side of Farmington Drive between Farrington and Falconbridge Roads (Tax Map 492C, Block 1-1A, 53).

MOTION by Council Member Cox seconded by Council Member Wright to hold this item until the July 21, 1997 City Council Meeting was approved at 7:36 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Council Member Cox requested that Consent Items 10 and

June 16, 1997

32(b) be pulled for discussion later in the meeting.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

[CONSENT AGENDA]

SUBJECT: STATUS REPORT ON CABLE TELEVISION COVERAGE FOR COUNCIL COMMITTEES AND COMMITTEE-OF-THE WHOLE MEETINGS

To receive a status report from the Administration concerning the possibility of cable television coverage for Council Committees and Committee-of-the-Whole meetings.

MOTION by Council Member Larson seconded by Council Member Miller to continue this item until July 17, 1997 Committee-of-the-Whole Meeting was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: STATUS REPORT ON HOUSING PROJECTS AND PROGRAMS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the status of open housing projects and programs was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: HOUSING PROGRAM AND POLICY CHANGES

MOTION by Council Member Larson seconded by Council Member Miller to approve the attached housing program and policy changes was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown,

June 16, 1997

Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

**SUBJECT: PROPOSED SPENDING PLAN AND SCHEDULE OF FUNDS
AVAILABILITY FOR FISCAL YEAR 1997-98 HOUSING
PROGRAMS**

MOTION by Council Member Larson seconded by Council Member Miller to receive the report and adopt the Funds for Affordable Housing Spending Plan and the Schedule of Funds Availability for FY 1997/98 housing programs was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

**SUBJECT: PRELIMINARY APPROVAL - RENTAL PROJECTS AT OR BELOW
25% OF AREA MEDIAN INCOME SERVING SPECIAL NEEDS
POPULATIONS, 1996 HOUSING BOND FUNDS**

MOTION by Council Member Larson seconded by Council Member Miller to approve a preliminary allocation of 1996 Housing Bond funds in an aggregate amount of \$588,319 to the 1) Durham Community Shelter for H.O.P.E. (\$200,000); 2) Case management for AIDS and Addiction through referrals, Resources, and Education (CAARE) (\$41,694); 3) Triangle Residential Options for Substance Abusers (TROSA) (\$146,625); and Housing for New Hope, Inc./Durham New Leaf Center (\$200,000) as mortgage financing for the acquisition and/or development of these projects subject to all development project details being negotiated to the satisfaction of the City with the developers of each project receiving a preliminary allocation, and approval by City Council of the legal documentation for each project was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

**SUBJECT: INTERIM VOLUNTARY PROPERTY PURCHASE POLICY - BRIGGS
AVENUE EXTENSION**

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on the interim Voluntary Property Purchase Policy; and

To appoint a Subcommittee from the Public Works Committee and

June 16, 1997

the Finance Committee to consider re-adoption of the Policy as a permanent policy was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Note: The following persons were appointed at the June 12, 1997 Committee-of-the-Whole Meeting: Council Members Cox, McKissick, Larson and Wright.

SUBJECT: PROPOSED SALE OF STRUCTURE LOCATED AT 3325 GLENN ROAD, TAX MAP 684-05-004 - DWIGHT AND VENIC JONES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to sell the vacant structure located at 3325 Glenn Road to Dwight and Venice Jones for \$500.00 (to be removed from the site) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: STATUS REPORT FROM ADMINISTRATION CONCERNING THE STAR WAREHOUSE PROPERTY - COORDINATING COUNCIL FOR SENIOR CITIZENS

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report and recommendation from the Administration concerning donation of the Star Warehouse property to the Coordinating Council for Senior Citizens; and

To donate the Star Warehouse property to the Coordinating Council for Senior Citizens contingent upon their acquiring the funds for construction of improvements on the site, details being worked out, and the Plan being approved by the City Council (on same basis as YMCA project) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INTERN PROGRAM

MOTION by Council Member Larson seconded by Council Member

June 16, 1997

Miller to adopt a resolution authorizing the City Manager to enter into an Intern Program Contract with North Carolina Department of Transportation; and

To adopt a "City of Durham Grant Project Ordinance - Public Transportation Intern" was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

**Resolution #8347
Ordinance #11150**

**SUBJECT: PROGRAM MARKETING CONSULTANT SERVICES CONTRACT -
PHOENIX COMMUNICATIONS, LTD**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Phoenix Communications, LTD. at a cost of \$30,000.00 for program marketing consultant services was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSAL FOR USE OF SAVINGS ON WATER AND SEWER BILLS

MOTION by Council Member Larson seconded by Council Member Miller to ask the Mayor and/or City Manager to send a letter to our largest water and sewer customers asking that they consider devoting some or all of the money they will save on water and sewer bills to non-profit enterprises in Durham such as recreation, arts, housing, etc. was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

**SUBJECT: STREET CLOSING - SC96-14, 39,233 SQUARE FEET OF
BYNUM STREET, 20,552 SQUARE FEET OF LEWIS STREET;
27,564 SQUARE FEET OF YEARBY STREET; 16,213 SQUARE
FEET OF PACE STREET AND 23,318 SQUARE FEET OF GARDEN
PLACE**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the

June 16, 1997

City Council to permanently close 39,233 square feet of Bynum Street, 20,552 square feet of Lewis Street; 27,564 square feet of Yearby Street; 16,213 square feet of Pace Street and 23,318 square feet of Garden Place; and 2) setting a public hearing on Monday, July 21, 1997 to consider closing said portions of said streets was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Resolution #8348

SUBJECT: STREET CLOSING - SC97-2, 11,999± SQUARE FEET PORTION OF DUVAL STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to permanently close an 11,999± square-foot portion of Duval Street, west of Hoover Road and 2) setting a public hearing on Monday, July 21, 1997 to consider closing a 11,999± square-foot portion of Duval Street, west of Hoover Road was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Resolution #8349

SUBJECT: STREET CLOSING - SC97-4, 42,126± SQUARE FEET OF VANCE STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to permanently close 42,126± square feet of Vance Street; and 2) setting a public hearing on Monday, July 21, 1997 to consider closing 42,126± square feet of Vance Street was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Resolution #8350

SUBJECT: MWBE SUBCOMMITTEE REPORT

June 16, 1997

MOTION by Council Member Larson seconded by Council Member Miller to receive the report of the MWBE Subcommittee--**to be discussed at the July 17, 1997 Committee-of-the-Whole meeting** was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED PROPERTY ACQUISITION FOR GLENDALE AVENUE REVITALIZATION PROGRAM - JOHN E. AND DOROTHY B. GRAHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of property located at 824, 826, and 828 Glendale Avenue from John E. and Dorothy B. Graham for \$61,000 for the Glendale Avenue Revitalization Program was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED ACQUISITION OF VACANT LAND FOR LITTLE LICK CREEK TRAIL - PROPERTY OF MILTON C. GANYARD, JR. AND WIFE KAREN M. WHITENER

MOTION by Council Member Larson seconded by Council Member Miller to authorize the acquisition of approximately 26.870 acres, land only, Tax Map 596-01-015A, property of Milton C. Ganyard, Jr. and Wife Karen M. Whitener, for \$124,600 for the Little Lick Creek Trail was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED CITY OF DURHAM RELOCATION ASSISTANCE POLICY
MOTION by Council Member Larson seconded by Council Member Miller to adopt a policy establishing a Relocation Assistance Plan for residents displaced by City-funded projects was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

June 16, 1997

SUBJECT: OLD FARM CREEK

MOTION by Council Member Larson seconded by Council Member Miller to direct the Engineering Department to "Table" the Old Farm Creek demonstration project until such time as sufficient rights of entry are provided to allow the project to be continued was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH EVERGREEN LAND, L.L.C. - TUSCANY SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with EVERGREEN LAND, L.L.C. for the extension of City water and sewer to serve Tuscany Subdivision, located on the east side of Guess Road south of Grady Road was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: DEED OF EASEMENT FROM NORFOLK AND WESTERN RAILWAY COMPANY, EASTERN REINFORCING MAIN (CONTRACT 2)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to obtain a Deed of Easement from Norfolk and Western Railway Company to cover the construction, operation, and maintenance of the relevant portion of the Eastern Reinforcing Main that is to be installed in the abandoned tracks section was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: CONTRACT ST-167, TRIANGLE GRADING AND PAVING, INCORPORATED - WEST CHAPEL HILL STREET SIDEWALK

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Triangle Grading and Paving, Incorporated for the construction of the Chapel Hill Street sidewalk; and

June 16, 1997

To authorize the expenditure of \$188,750 from the Sidewalk Replacement Account was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: JORDAN LAKE WATER ALLOCATION PROCESS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the North Carolina Division of Water Resources' staff recommendation on Jordan Lake water allocation; and

To adopt a "Resolution in Support of a Water Supply Allocation of 25 Million Gallons Per Day from Jordan Lake for the City of Durham" was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Resolution #8351

SUBJECT: BID REPORT - MAY 1997

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of May 1997 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Note: See Attachment #1 for itemized bid report.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR GASOLINE, PETROLEUM TRADERS (467,000 GALLONS)

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Petroleum Traders in the amount of \$326,479.70 for furnishing the City with its estimated annual requirement for gasoline was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and

June 16, 1997

Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: BIDS - MICROBIOLOGICAL AND CHEMICAL LABORATORY SERVICES, ENVIRONMENTAL ENGINEERING AND TECHNOLOGY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Environmental Engineering and Technology in the amount of \$63,312.00 for providing the City with microbiological and chemical laboratory services was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: BANKING SERVICES CONTRACT - MECHANICS AND FARMERS BANK

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Contract No. 9 to Amend Agreement for Banking Services with Mechanics and Farmers Bank for the period July 1, 1997 through June 30, 1998 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Abstention: Council Member Cox. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Note: Council Member Cox abstained from voting on this item due to financial interest.

SUBJECT: STOP SIGN - BREVARD COURT

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Brevard Court at Windcrest Road, west corner was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Ordinance #11151

June 16, 1997

SUBJECT: STOP SIGNS - CROASDAILE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Wayside Place at Medford Road, southeast corner;
- 2) Landmark Place at Medford Road, southeast corner;
- 3) Staley Place at Medford Road, northwest corner;
- 4) Beaver Place at Stoneybrook Drive, southeast corner;
- 5) Digby Place at Stoneybrook Drive, northwest corner; and
- 6) Clover Place at Farm Gate Road, northeast corner

was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Ordinance #11152

SUBJECT: STOP SIGN - VERMEL COURT

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Vermel Court at Jenee Lane, northeast corner was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Ordinance #11153

SUBJECT: FORTY-FIVE MILE PER HOUR SPEED LIMIT - HILLANDALE ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 45 mph speed limit on Hillandale Road in the area beginning at a point 0.74 mile south of Rose of Sharon Road and extending northward to Rose of Sharon Road was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Ordinance #11154

June 16, 1997

**SUBJECT: STREET ACCEPTANCE - TREYBURN, WOODLAKE, AND
FIELDSTONE SUBDIVISIONS**

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets in the Treyburn, Woodlake, and Fieldstone Subdivisions, as listed below, for maintenance by the City of Durham was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

Treyburn Subdivision

1. Arrowood Court - from the centerline of Loblolly Drive southward, around the circle, back to the centerline of Arrowood Court (1,243')
2. Haddinton Drive - from the end of existing pavement northward, around the circle, back to the centerline of Haddinton Drive (1,851')
3. Hunters Green Court - from the centerline of Haddinton Drive westward, around the circle, back to the centerline of Hunters Green Court (406')
4. Irontree Court - from the centerline of Arrowood Court southward, around the circle, back to the centerline of Irontree Court (320')
5. Loblolly Drive - from the centerline of Rhododendron Drive eastward, beyond Persimmon Court to the end of the pavement (665')
6. Loblolly Drive - from the centerline of Rhododendron Drive northward to the centerline of Loblolly Court (641')
7. Loblolly Drive - from the end of Phase I northward to the centerline of Stagville Road (1,730')
8. Persimmon Court - from the centerline of Loblolly Drive eastward to the end of the pavement (152')
9. Sawmill Creek Parkway - from the centerline of Vintage Hill Parkway south to the centerline of Snowhill Road (3,920')
10. Shadow Creek Court - from the centerline of Haddington

June 16, 1997

Drive eastward, around the circle, back to the centerline of Shadow Creek Court (341')

11. Stone Glen Court - from the centerline of Tennwood Court westward, around the circle, back to the centerline of Stone Glen Court (395')
12. Tennwood Court - from the end of existing pavement southward, around the circle, back to the centerline of Tennwood Court (2,885')
13. Treyburn Parkway - from the centerline of Orange Factory Road, eastward past Old Trail Drive to the end of the pavement (730')
14. Vintage Hill Parkway - from the end of existing pavement southward to the centerline of Sawmill Creek Parkway (6,987')

Woodlake Subdivision

1. Woodcroft Parkway - from the end of Phase 1 (sta 12 + 85) southward to the end of the road at Piney Woods Park (1,810')

Fieldstone Subdivision

1. Wilderness Road - from the end of existing pavement (Sta 17 + 88.40) eastward to the centerline of park Overlook Drive (1,003')
2. Quailhunt Circle - from the centerline of Wilderness Road northward thru the cul-de-sac (631')

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Miller to approve the nine Time Payment Petitions listed below was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

1. John W. Chavis - 3833 Dunn Avenue - Sewer Lateral and Sewer Capital Facility Fee
2. Fred and Aggeline Clemons - 6304 Barbee Road - Sewer Lateral and Sewer Capital Facility Fee
3. James L. and Susan H. Doss - 234 Landsbury Drive - Water

June 16, 1997

Lateral and Water Capital Facility Fee

4. Mary Helen C. Glenn - 1812 So-Hi Drive - Water Lateral, Water main and Water Capital Facility Fee
5. Charles O. and Laura C. Matthews, Sr. - 4032 Booker Avenue - Sewer Lateral and Sewer Capital Facility Fee
6. James E. and Cindy C. McCullen - 2818 Beck Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
7. Timothy R. and Janette H. Midgette - 1925 Aiken Avenue - Sewer Lateral and Sewer Capital Facility Fee
8. Edward R. and Wanda S. Phipps - 208 Old Oxford Road - Sewer Lateral and Sewer Capital Facility Fee
9. Kristen A. Seigler - 4130 Deepwood Circle - Sewer Lateral and Sewer Capital Facility Fee

SUBJECT: Water Main - Nancy Rhodes Drive from Cole Mill Road to North Property Line of Tax Map 767-1-19

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for water main on Nancy Rhodes Drive from Cole Mill Road to north property line of Tax Map 767-1-19; and

To adopt a resolution setting a public hearing on Monday, July 21, 1997 to consider ordering the water main improvement was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: SITE PLAN APPROVAL - SOUTHPOINT CROSSING

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Southpoint Crossing, submitted by Midland Raleigh Acquisition LLC, consisting of a 118,399 square-foot retail shopping center with parking facilities proposed on ±18.86 acres zoned SC(D) and F/J-B, located on the northwest corner of the intersection of Fayetteville Road and NC 54, north of I-40 (Tax Maps #524-1-1, 2, 3A, 4, 6A, 7, 10, and #525-2-8) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley,

June 16, 1997

Larson, McKissick, Miller and Wright. Noes: None. Absent
At Time Of Vote: Council Members Engelhard and Hyman.
Absent: Mayor Kerckhoff.

**SUBJECT: SITE PLAN APPROVAL - THE SHOPS AT NORTHGATE
EXPANSION**

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for The Shops at Northgate Expansion, submitted by Northgate Associates Limited Partnership, consisting of a 39,861 square-foot expansion to an existing 46,663 square-foot retail center with parking facilities proposed on ±3.6 acres zoned GC(D), located on the east side of Guess Road, south of I-85 and adjacent to Northgate Mall (Tax Map #72-5-1) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent
At Time Of Vote: Council Members Engelhard and Hyman.
Absent: Mayor Kerckhoff.

SUBJECT: SITE PLAN APPROVAL - POPLAR TOWERS APARTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Poplar Towers Apartments, submitted by Poplar Apartments Limited Partnership and Robinson Everett, consisting of 72 new apartment units proposed to be added to the existing 76 apartments on 8.93 acres, zoned RM-20 (Multifamily), located on the west side of LaSalle Street, north of Erwin Road (Tax Map reference part of 288-1-3, 288-3-1 and 288-4-1) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent
At Time Of Vote: Council Members Engelhard and Hyman.
Absent: Mayor Kerckhoff.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the May 19, 1997 (Special) and May 19, 1997 (Regular) City Council Meetings was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent
At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

June 16, 1997

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

Mr. Paul Pulley, representing Laquinta, requested that GBA #11 [Zoning Matter Case P97-9] be deferred until the August 18, 1997 City Council Meeting.

SUBJECT: ZONING MATTER CASE P97-9, HAROLD BAGWELL, SOUTHWEST CORNER OF THE INTERSECTION OF TOWER BOULEVARD AND PICKETT ROAD

Case: P97-9

Applicant: Harold Bagwell

Location: The 3.28-acre site is located at the southwest corner of the intersection of Tower Boulevard and Pickett Road, identified as Tax Map 234, Block 1, Lot 7D

Request: Rezoning from R-10 (Residential 10) and OI-1 (Transitional Office and Institutional) to OI-2(D) (General Office and Institutional with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and OI-1 and placing same in and establishing same as OI-2(D).

Zoning Committee's Recommendation and Vote: Approval, 4-2

City Manager's Recommendation: Approval with the removal of the optional driveway

Note: Valid protest petitions filed against this rezoning.

Mayor Pro Tem Robinson opened the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing on Rezoning Case P97-9 until the August 18, 1997 City Council Meeting was approved at 7:39 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Members Engelhard and Hyman. Absent: Mayor Kerckhoff.

SUBJECT: Sewer Main - N.C. 98 from Little Lick Creek Outfall to Mineral Springs Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public

June 16, 1997

hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on N.C. 98 from Little Lick Creek Outfall to Mineral Springs Road was approved at 7:40 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman. Absent: Mayor Kerckhoff.

SUBJECT: Water Main - Alston Avenue (West Side) from South Property Line of Tax Map 570-3-6 to North Property Line of Tax Map 570-3-8 and **Alston Avenue (East Side)** from South Property Line of Tax Map 570-2-9 to North Property Line of Tax Map 570-2-5

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for water main on Alston Avenue (West Side) from south property line of Tax Map 570-3-6 to north property line of Tax Map 570-3-8 and Alston Avenue (East Side) from south property line of Tax Map 570-2-9 to north property line of Tax Map 570-2-5 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman. Absent: Mayor Kerckhoff.

SUBJECT: Sewer Main - Old Oxford Road from West Property Line of Tax Map 330-1-12 to East Property Line of Tax Map 740-2-23A

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to an objection, City Engineer Ken Wright, requested that the property of Bill Tippet be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member

June 16, 1997

Wright to adopt a resolution confirming the assessment roll for sewer main on Old Oxford Road from west property line of Tax Map 330-1-12 to east property line of Tax Map 740-2-23A **and to refer the property of Bill Tippet to the Public Works Committee for further consideration** was approved at 7:41 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman. Absent: Mayor Kerckhoff.

SUBJECT: Water Main - South Alston Avenue from South Property Line of Tax Map 572-1-17D to North Property Line of Tax Map 570-3-5

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for water main on South Alston Avenue from south property line of Tax Map 572-1-17D to north property line of Tax Map 570-3-5 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED WASTE MANAGEMENT ACTIVITIES

To receive a report from the Administration on solid waste disposal. **(Note: 27-page report on Solid Waste Disposal Recommendations provided separately)**

To inform the Community of proposed waste management activities and to receive citizens' comments.

Interim City Manager Cecil Brown presented the following recommendations relative to the landfill:

1. Council select Site 17A as a landfill
2. Attorney seek relief to allow use of Site 17A
3. Volunteer purchase program be implemented with no pay out until all legal challenges are cleared
4. Seek and secure permit and renovate sludge pad for a transfer station (six months or less for operation)
5. Design, permit and build a long term transfer station on the 15 acre site near existing landfill

June 16, 1997

6. Begin the process for a transfer station on the current solid waste site for backup
7. Begin negotiations for hauling and disposal with major private firms

Richard Starr, representing Malcolm Pirnie, presented a slide presentation outlining information required by the state solid waste regulations relative to Site 17A.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Anne Slifkin raised concern that no alternative sites had been discussed and council ignoring Judge Hudson's legal ruling on Site 17. Also, Attorney Slifkin stated that Site 12 would be a better location to place a landfill or a transfer station should be constructed.

Vivian Harris, representing the Gorman Community Association, stated their community's position on constructing a landfill was the same as in July 1996. She asked the council to uphold the Voluntary Purchase Policy if Site 17 or 17A is utilized as a landfill.

Nelda Haines, a resident of Westminster Drive, raised concern that the council had not made a decision. She asked that a decision be made and implemented.

Jackie Brown, a resident of Davie Drive, spoke in support of a transfer station being constructed.

John Vaughn, a resident of Davie Drive, spoke in support of a transfer station being constructed.

Betty Johnson, a resident of Glenn Road, raised concern that if the existing landfill was utilized, it would only last 13 years. She stated after 13 years, the city would then need to spend more of the tax payers money. She asked that a permanent solution be implemented.

Kurt Garner, resident of 3918 Alameda Street, spoke in support of a transfer station.

Mayor Pro Tem Robinson asked if any other person(s) wanting to speak on this item. Mayor Pro Tem Robinson closed the public hearing.

SUBJECT: LANDFILL

To receive citizens' comments pertaining to a landfill.

Nancy Newell, of the Sanitation Department, stated this was

June 16, 1997

an additional hearing required by North Carolina General Statute Section 130A-294(b1)2.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Anne Slifkin stated a transfer station could save the city money. Attorney Slifkin noted that the council lacked relevant information on the actual cost for a landfill on Site 17 and noted that the numbers provided by Malcolm Pirnie should not be relied upon.

George Conklin, a resident of the Bethesda Neighborhood, presented to council a letter from John C. Brantley of the Raleigh-Durham Airport Authority noting opposition to a landfill on Site 12 for the following reasons: 1) landfill attracting large number of birds, particularly seguls which could present a potential safety hazard for aircraft operations at and in the vicinity of RDU; 2) the Research Triangle Park area was too valuable to be used as a city dump and needed to be preserved. Also, Mr. Conklin spoke in opposition of using Site 12 as a landfill.

Tom Stern, representing the People's Alliance, asked the council to 1) let go of Site 17 for economic reasons and environmental reasons; 2) give genuine consideration to Site 12; 3) do not consider any other sites on the watershed; and 4) provide genuine figures regarding a transfer station.

Greg Vigor, representing the Ashley Forest Homeowners' Association, spoke in opposition of Site 12 being used as a landfill. He noted Site 12 was very near the Research Triangle Park.

Brad Lenox, representing the Milan Woods Association, asked the council to remove Site 9 from the list of considerations. He noted this site was not suitable for a landfill.

Dr. Charles Hamner, President of the Research Triangle Park Owners & Tenants Association, read the following Resolution:

Resolution Adopted by the Research Triangle Park Owners and
Tenants Association

Whereas Site 12, an area comprising approximately 341 acres of land located in the northeast quadrant of NC 147 and Ellis Road, has been identified for consideration as a landfill site by the City of Durham; and

Whereas the area in which Site 12 is located is an area which has significant potential for economic development because it is adjacent to the City of Durham and the Research Triangle Park, a world famous research park which has been established

June 16, 1997

in Durham County since 1959 and which today has over 37,000 employees, over 15 million square feet of research space, office and manufacturing space, representing a capital investment of over \$2 billion; and

Whereas this area is uniquely suitable for development which will create well-paying, manufacturing jobs due to its proximity to RTP and its proximity to training and educational opportunities at NCCU and Durham Technical Institute; and

Whereas such jobs would be easily accessible to residents of Durham with transit service along NC 147; and

Whereas locating a landfill in the area designated as Site 12 would have an extraordinarily detrimental impact on this development opportunity as well as on the existing and future development of the Research Triangle Park and whereas locating a landfill near the Raleigh Durham Airport could present a hazard to public safety;

Now therefore be it resolved by the Owners and Tenants Association of the Research Triangle Park, that the Association unanimously urges the Durham City Council not to locate a landfill on Site 12.

James Roberson, President of Research Triangle Foundation, spoke in opposition of locating a landfill on Site 12. He stated Site 12 was located across the street at one of the most prestigious research parks in the world.

Charlotte Hyer spoke in opposition of utilizing Site 12 as a landfill.

Ollie Cook stated at the Committee-of-Whole-Meeting on last Thursday, it was stated that the revenue stamps on the deed for the land purchased on Site 12 did not represent the consideration for the purchase of the property [it only represented cash that changed hands]. Ms. Cook noted if this took place, the people that purchased the land violated the North Carolina State law or the council received bad information from the staff. She stated the council needed to have good factual information to base their decisions on.

Terry Brown asked council to base their decision for a landfill on the facts and accurate information.

Bruce Little spoke in opposition to Site 12 as a landfill and requested that a transfer station be constructed.

John Deloggie spoke in opposition to Site 12 as a landfill and asked that a transfer station be built.

June 16, 1997

Sara Berman stated she opposed all sites being considered.

Jackie Brown, President of Northeast Neighborhood Association, spoke in opposition to using Site 17 as a landfill.

Cindy Gann stated she opposed any landfill and requested council to find another solution.

Rob Teer stated Site 12 might be zoned I-3; however, a Major Special Use Permit will be required for a transfer station.

Les Cash stated the American Legion Post on Faye Street worked with the city when the property was purchased for a transfer station. He noted they lost their property at the Faye Street site and Durham lost the county fair.

Mayor Pro Tem Robinson asked if there were other persons present wanting to speak on this item. The public hearing was closed by the Mayor Pro Tem.

SUBJECT: FRANCHISE ORDINANCE FOR OPERATION OF A LANDFILL

To receive citizens' comments on the adoption of a franchise ordinance and the granting of a franchise for the City of Durham to operate a sanitary landfill.

Nancy Newell, of the Sanitation Department, stated this hearing was required by North Carolina General Statute Section 138-294(b1)(3).

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Anne Slifkin noted that under the new state law landfills that are closed must be monitored for a minimum of 30 years. She noted if there were problems during this period of monitoring, the state could extend the period of monitoring indefinitely. Ms. Slifkin asked if the city's figures on the landfill included this extension if needed. Also, Ms. Slifkin noted her file of violations and citations on the city's current landfill and asked what would the city do under the new regulations with a sophisticated landfill and how it would be monitored. Attorney Slifkin asked the council to use the land on Faye Street which the city already owns to build a transfer station and remove Site 17 from any further consideration.

Kurt Garner stated if Waste Industries can make a profit on trash, why is it that the city can't break even.

Tom Stern, representing People's Alliance, stated it did not

June 16, 1997

matter what decision the council reached because Waste Industries plans to build a transfer station on Site 12. He urged the council to review Site 12 because he felt the city would not win the right to use Site 17. Also, Mr. Stern raised concern relative to the city being able to retain its customer base.

Catherine Mallett stated she recently moved to Durham and asked the council what they had been doing for the last 10 years. She noted plans needed to be made long-term.

Ray Purnell spoke in opposition of using Site 12 as a landfill.

Jackie Brown spoke in support of a transfer station.

Sharon Blake spoke in support of a transfer station.

Mayor Pro Tem Robinson asked if any other persons present wanted to speak on this item. The public hearing was declared closed.

**SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT CLARIFYING
PROCEDURE FOR CHANGES IN DEVELOPMENT PLANS**

To receive citizens' comments on a proposed Zoning Ordinance text amendment clarifying procedure for changes in development plans.

Attorney Karen Sindelar briefed council on the proposed text change.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Anne Slifkin requested that the rezoning be denied and the development plan with the current zoning on Site 17 be allowed to remain in place. Ms. Slifkin stated that the zoning on Sites 17 and 17a was single-family residential and in 1989 it was rezoned to I-2(D) with a development plan. She stated the (D) designation was noted to make sure the property would never be used as a landfill.

Mayor Pro Tem Robinson asked if any there were other present persons wanting to speak on this item. The public hearing was declared closed.

**SUBJECT: ZONING MATTER CASE P97-49, CITY OF DURHAM, NORTHWEST
OF THE INTERSECTION OF EAST CLUB BOULEVARD AND GLENN
ROAD**

June 16, 1997

Case: P97-49

Initiated by: City of Durham

Location: 102± acres located northwest of the intersection of East Club Boulevard and Glenn Road, within the City limits of Durham. The existing City of Durham Municipal Solid Waste Landfill is located south of the site (Tax Map 617, Block 1, Lots 2 [partial], 4A [partial], 4B [partial], and 5 [partial]). The proposed change impacts the development plan included in rezoning case P89-10.

Request: Rezoning from RD (Rural District), I-2 (Light Industrial District), and I-2(D) (Light Industrial District with a Development Plan) to I-3(D) (Heavy Industrial District with a Development Plan); F/J-B Overlay--Change in Development Plan

Harold Smith, of the City/County Planning Department, noted the following revisions to the recommendation of the staff report: Approval of the rezoning, provided the development plan indicates that the site plan will include measures ensuring that no residential areas nearby within 600 feet will have a view of the landfill operation, that any required berm is attractively landscaped, and that dust and odor from the operation is minimized.

Mr. Smith also noted the certification of mailing of notices of the proposed zoning map amendment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Anne Slifkin stated the rezoning application before the council was extremely peculiar. She stated this rezoning request was initiated by Malcolm Pirnie who is not a governing board, not the Planning Commission, not the Board of Adjustment, not the Planning Department, nor a citizen of Durham. She stated the application was flawed, incompatible and requested that it be denied.

Jackie Brown, representing Northeast Durham Neighborhood Association, raised concern with the current landfill relative to noisy trucks, the odor and the trash. She stated 600 feet was not enough for a buffer.

Betty Johnson stated there was not enough dirt covering the current landfill and trash was flying everywhere. Ms. Johnson asked each council member to ride down Glenn Road and look at the landfill. She stated that the city could not maintain the current landfill and would not be able to maintain a state of the art landfill.

Mayor Pro Tem Robinson asked if there were other persons present wanting to speak. The public hearing was declared closed.

June 16, 1997

SUBJECT: LANDFILL

To adopt a "Resolution Approving a Landfill Site and to Authorize Actions to Implement Said Approval."

A motion was made by Council Member Clement to remove from consideration Sites 9 and 12 as a landfill. This motion was seconded by Council Member Griffin.

Council Member Miller requested that Council Member Clement's motion be severed regarding Sites 9 and 12.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Cox to adopt a "Resolution Approving a Landfill Site [Site 17A] and to Authorize Actions to Implement Said Approval" **FAILED** at 10:39 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Cox, Hyman, Larson, Miller and Wright. Noes: Council Members Langley, Engelhard, McKissick, Clement, Griffin and Brown. Absent: Mayor Kerckhoff.

A substitute motion was made by Council Member Hyman to adopt a "Resolution Approving a Landfill Site [Site 17A] and to Authorize Actions to Implement Said Approval"; and to instruct the City Manager to thoroughly investigate Site 12 for use as a landfill and to submit a report to council as to the feasibility of using Site 12 for a landfill [this directive is not intended to constitute approval or selection of Site 12 for use as a landfill and not intended to constitute disapproval of any other site]. This motion was seconded by Council Member Miller.

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member McKissick seconded by Council Member Brown to direct the City Manager to thoroughly investigate Site 12 for use as a landfill and to submit a written report to council as to the feasibility of utilizing Site 12 as a landfill; this resolution is not intended to constitute approval or selection of Site 12 for a landfill and this resolution is not intended to constitute disapproval of any other site as a landfill **FAILED** at 10:56 p.m. by the following vote: Ayes: Council Members Brown, Cox, Hyman, McKissick, Miller and Wright. Noes: Mayor Pro Tem Robinson and Council Members Langley, Engelhard, Clement, Larson and Griffin. Absent: Mayor Kerckhoff.

SUBSTITUTE MOTION by Council Member Hyman seconded by Council Member Miller to adopt a "Resolution Approving a Landfill Site [Site 17A] and to Authorize Actions to Implement Said Approval"; and

June 16, 1997

To instruct the City Manager to thoroughly investigate Site 12 for use as a landfill and to submit a report to council as to the feasibility of using Site 12 for a landfill [this directive is not intended to constitute approval or selection of Site 12 for use as a landfill and not intended to constitute disapproval of any other site] was approved at 11:04 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Clement, Cox, Griffin, Hyman, Langley, Larson, Miller and Wright. Noes: Council Members Engelhard, McKissick and Brown. Absent: Mayor Kerckhoff.

Resolution #8358

MOTION by Council Member Clement seconded by Council Member Brown to remove Site 9 from consideration as a landfill was approved at 11:04 p.m. by the following vote: Ayes: Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Miller and Wright. Noes: Mayor Pro Tem Robinson and Council Members Cox, McKissick and Larson. Absent: Mayor Kerckhoff.

SUBJECT: FRANCHISE ORDINANCE FOR THE CITY OF DURHAM TO OPERATE A LANDFILL

MOTION by Council Member Larson seconded by Council Member Clement to adopt a "Franchise Ordinance for the City of Durham to Operate a Landfill" was approved at 11:05 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11160

SUBJECT: VOLUNTARY PURCHASE POLICY

To adopt a "Resolution to Implement the Voluntary Purchase Policy."

A motion was made by Council Member Clement to adopt a "Resolution to Implement the Voluntary Purchase Policy." This motion was seconded by Council Member Griffin.

Council Member Larson requested a friendly amendment to the motion - "policy to become effective when legal issues are resolved."

Council Member Clement accepted the friendly amendment.

Relative to the Voluntary Purchase Policy, Council Member

June 16, 1997

Hyman noted the eligibility for this policy was not the same as the eligibility council passed for the Briggs Avenue Extension.

Betty Pittard, of Asset Management, stated the Voluntary Purchase Policy for the landfill was approved July 15, 1996 and it was suspended until further action by the council. Ms. Pittard noted that the Voluntary Purchase Policy eligibility for the landfill was not the same as the policy passed for Briggs Avenue. Also, Ms. Pittard summarized the differences between the two Voluntary Purchase Policies.

SUBSTITUTE MOTION by Council Member Hyman seconded by Council Member Cox to refer the Voluntary Purchase Policy to the Finance Committee for further discussion was approved at 11:15 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Cox, Engelhard, Griffin, Hyman, Langley, McKissick and Wright. Noes: Council Members Clement, Larson and Miller. Absent: Mayor Kerckhoff.

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT CLARIFYING PROCEDURE FOR CHANGES IN DEVELOPMENT PLANS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Zoning Ordinance Text Amendment Clarifying Procedure for Changes in Development Plans" was approved at 11:15 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, Miller and Wright. Noes: Council Members Engelhard and McKissick. Absent: Mayor Kerckhoff.

Ordinance #11203

SUBJECT: REZONING CASE 97-49, CITY OF DURHAM, NORTHWEST OF THE INTERSECTION OF EAST CLUB BOULEVARD AND GLENN ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the 102± acres located northwest of the intersection of East Club Boulevard and Glenn Road, within the City limits of Durham (Tax Map 617, Block 1, Lots 2 [partial], 4A [partial], 4B [partial], and 5 [partial]) out of RD, I-2 and I-2(D) and placing same in and establishing same as I-3(D); F/J-B [provided the development plan indicates that the site plan will include measures ensuring that no residential areas nearby within 600 feet will have a view of the landfill operation, that any required berm is attractively landscaped,

June 16, 1997

and that dust and odor from the operation is minimized] was approved at 11:16 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Clement, Cox, Griffin, Hyman, Langley, Larson, Miller and Wright. Noes: Council Members Brown, Engelhard and McKissick. Absent: Mayor Kerckhoff.

SUBJECT: TEMPORARY TRANSFER STATION AND INTERIM TRANSFER STATION

A motion was made by Council Member Clement to adopt a "Resolution to Direct the City Manager to Take Actions Towards Construction of a Temporary Transfer Station and an Interim Transfer Station. This motion was seconded by Council Member Miller.

Council Member Hyman requested a friendly amendment to the motion - to direct the administration to look at the possibility of locating a waste reduction facility near the transfer station.

Council Member Clement accepted the friendly amendment.

MOTION by Council Member Clement seconded by Council Member Miller to adopt a "Resolution to Direct the City Manager to Take Actions Towards Construction of a Temporary Transfer Station and an Interim Transfer Station"; and

To direct the administration to look at the possibility of locating a waste reduction facility near the transfer station was approved at 11:20 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8359

SUBJECT: PROPOSAL FOR WASTE DISPOSAL

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Direct the City Manager to Obtain a Proposal for Waste Disposal" was approved at 11:21 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8360

At this time, City Attorney Thornton reviewed all the actions

June 16, 1997

taken by Council relative to Solid Waste.

SUBJECT: SOLID WASTE MANAGEMENT PLAN - CITY OF DURHAM, NORTH CAROLINA (JULY 1, 1996 TO JULY 1, 2006)

To receive citizens' comments on the *Solid Waste Management Plan*.

To adopt a resolution approving the *Solid Waste Management Plan*.

Nancy Newell, of the Sanitation Department, distributed a revised resolution which included council's decision on siting a landfill and the construction of a transfer station for solid waste.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dabney Hopkins, a resident of Sprunt Avenue, stated the city needed to implement measures to reduce the wastestream by 50 percent.

Judy Stafford, a resident of Durbin Place, addressed the council stressing the importance of recycling. She asked the council to strive for more than 40 percent recycling efforts and band recyclables from the landfill.

Dillon Kim, a resident of Post Oak Road, spoke on the need to increase recycling in the City of Durham.

Susan Davenport, a resident of Tarleton East, spoke in support of increased recycling for Durham. She noted the State of North Carolina has established a goal of 40 percent for waste reduction and the City of Durham should have a goal higher than 25 percent.

Cindy Salter, a resident of East Gleewood, stated that a landfill was a dead end and a transfer station was not much different.

Gregory Adams, a resident of Greystone Court, spoke in support of increased waste reduction and recycling.

Peter Haines, a resident of Westminster Avenue, raised concerns relative to the Voluntary Purchase Policy for the landfill being referred to the Finance Committee for further discussion.

Mayor Pro Tem Robinson closed the public hearing.

A motion was made by Council Member Larson to receive

June 16, 1997

citizens' comments and to adopt a "Resolution approving a Solid Waste Management Plan" as amended. This motion was seconded by Council Member Miller.

Council Member Wright asked the administration to place on the next Finance Agenda [Establishing a Goal of 50% Reduction in Solid Waste].

Council Member Larson stated he would accept Council Member Wright's request as a friendly amendment to his motion.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the Solid Waste Management Plan; and

To adopt a resolution approving the Solid Waste Management Plan **as amended**; and to direct the administration to place on the July 10, 1997 Finance Committee Agenda "Establishing a Goal of 50% Reduction in Solid Waste" was approved at 11:46 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8352

[At this time, Council recessed for five minutes]

SUBJECT: ZONING MATTER CASE P97-14, SOUTH ATLANTIC INCOME PROPERTIES, CHIN PAGE ROAD, SOUTH MIAMI BOULEVARD AND GUARDIAN DRIVE

Case: P97-14

Applicant: South Atlantic Income Properties

Location: 29.3 acres with frontage on Chin Page Road, S. Miami Boulevard, and Guardian Drive (Tax Maps 582-1-1E, 2B; 587-1-8A)

Request: Rezoning from OI-2 (General Office and Institutional District) and RM-16(D) (Multifamily Residential District, Maximum of 16 Dwelling Units Per Acre with Development Plan) to RM-16(D).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and RM-16(D) and placing same in and establishing same as RM-16(D).

Zoning Committee's Recommendation and Vote: Approval, 7-0

City Manager's Recommendation: Approval

June 16, 1997

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and RM-16(D) and placing same in and establishing same as RM-16(D) was approved at 11:59 p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

SUBJECT: ZONING MATTER CASE P97-19, GOLI AND GOLI, AIKEN STREET NORTH OF U.S. 70, EAST OF EAST GEER STREET AND NORTH OF CHEEK ROAD

Case: P97-19

Applicant: Goli and Goli

Location: .6 acres fronting on Aiken Street north of U.S. 70, east of E. Geer Street and north of Cheek Road (Tax Map 352-1-23B)

Request: Rezoning from R-5 (Single Family Residential) to CT(D) (Commercial Trades with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5 and placing same in and establishing same as CT(D).

Zoning Committee's Recommendation and Vote: Approval, 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

A representative of Goli and Goli spoke in support of the request.

No one spoke in opposition. The public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5 and placing same in and establishing same as CT(D) was approved at 12:00 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and

June 16, 1997

Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

SUBJECT: ZONING MATTER CASE P97-51, MARRIOTT CORPORATION, N. C. 54 AND SOUTHWEST INTERSECTION OF N. C. 55 AND I-40 RIGHT-OF-WAY

Case: P97-51

Applicant: Marriott Corporation

Location: This property is located along the north side of N.C. #54 and the southwest intersection of N.C. #55 and the I-40 right-of-way. It consists of 30.56 acres and is further described on Tax Map 548, Block 1, Lots 10A, 10B, and 10C.

Request: **Change in Development Plan Note**--Existing zoning OI-2(D) and NC(D); F/J-B; MTC

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and NC(D); F/J-B; MTC and placing same in and establishing same as OI-2(D) and NC(D); F/J-B; MTC--**Change in Development Plan.**

Zoning Committee's Recommendation and Vote: Not applicable--Hearing set by City Council

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Jack Markham, representing the applicant, stated he was present to answer any questions.

No one spoke in opposition. The public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and NC(D); F/J-B; MTC and placing same in and establishing same as OI-2(D) and NC(D); F/J-B; MTC--Change in Development Plan was approved at 12:00 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENTS CONCERNING MUSEUMS AND CORRECTIONAL FACILITIES

June 16, 1997

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

- a. Proposed Amendment to the Durham Zoning Ordinance to Provide a Definition for Museums

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed ordinance; and

To adopt "An Amendment to the Durham Zoning Ordinance to Provide a Definition for Museums" was approved at 12:01 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11155

- b. Proposed Amendment to the Durham Zoning Ordinance to Provide Revised Standards for Correctional Facilities

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed ordinance; and

To adopt "An Amendment to the Durham Zoning Ordinance to Provide Revised Standards for Correctional Facilities" was approved at 12:03 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11156

SUBJECT: PROPOSED RENAMING OF WILLARD STREET TO JACKIE ROBINSON DRIVE AND JACKIE ROBINSON PLACE TO WILLARD COURT

To receive citizens' comments concerning the renaming of Willard Street to Jackie Robinson Drive and Jackie Robinson Place to Willard Court.

June 16, 1997

To adopt "A Resolution to Rename Streets Within the City of Durham":

Willard Street (south from Chapel Hill Street to Fayetteville Street) - **Jackie Robinson Drive**

Jackie Robinson Place (east from Blackwell Street to Mangum Street) - **Willard Court.**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Anne Guyton addressed council requesting that Willard Street be retained from Chapel Hill Street to the Durham Freeway where at this point it takes a 90-degree turn and from there rename it "Jackie Robinson Drive" to Fayetteville Street.

Mayor Pro Tem Robinson closed the public hearing.

A motion was made by Council Member Clement to support Ms. Guyton's recommendation [name Fayetteville Street to University Ford "Jackie Robinson Drive" and from University Ford to Chapel Hill Street rename "Willard Place." This motion was seconded by Council Member Miller.

Council Member McKissick asked the administration what would happen to the old Jackie Robinson Place.

Paul Norby, of the City/County Planning Department, stated that Jackie Robinson Place was closed by council as a public right-of-way. He stated in the lease agreement for the office building the closed street "Jackie Robinson Place" would need to be named by the property owner to "Willard Place." Mr. Norby stated if the council wanted to have the upper part of Willard Street remain, then council should delete the name "Willard Place" from the parking lot.

Council Member McKissick recommended that any name be deleted from the parking lot to avoid confusion among the public and allow Capitol Broadcasting to name it as they choose.

Council Member Clement stated he accepted Council Member McKissick's recommendation as a friendly amendment [delete Willard Place from the parking lot].

Council Member Larson also recommended that staff come up with a solution relative to the two remaining stubs named Willard.

Council Member Clement accepted Council Member Larson's

June 16, 1997

recommendation as a friendly amendment to his motion.

Council Member Wright ask the administration to bring back to council a recommendation for a suitable name for the parking lot.

Council Member Clement accepted Council Member Wright's recommendation as a friendly amendment.

MOTION by Council Member Clement seconded by Council Member Miller to receive citizens' comments and to adopt a "Resolution To Rename Streets Within The City of Durham" [Willard Street (south from Carr Street to Fayetteville Street) rename "Jackie Robinson Drive"; and

To direct the staff to 1) delete Willard Place from the parking lot; 2) provide a solution relative to the two remaining stubs named Willard; and 3) forward a recommendation to council providing a name for the parking lot was approved at 12:10 a.m. p.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8353

[OTHER MATTERS]

SUBJECT: FISCAL YEAR 1997-98 BUDGET MATTERS

Laura Gill, Budget Director, briefed council on the following revisions: 1) Correction to the proposed Zoning and Development Reviews and Consideration Fees; 2) Changes to proposed FY 97-98 Budget Ordinance; and 3) a revised FY 96-97 Budget Ordinance Amendment #4.

Jimmy Gibbs, President of the Durham Symphony, asked council to reconsider the recommendation from the Quality of Life Functional Team relative to funding for the symphony. He noted when they followed the Durham Arts Council's process in the past, they did not receive any funding.

Alan Neilson, representing the Durham Symphony, spoke in support of the Quality of Life Functional Team's recommendation relative to the Durham Symphony receiving funding in the upcoming budget.

Ellen Dagenhart, representing the Durham Symphony, spoke in support of the recommendation from the city's Quality of Life

June 16, 1997

Team giving the symphony a separate line item.

Camille Prescott spoke in support of the Durham Symphony receiving funding.

Gloria Prescott spoke in support of the Durham Symphony.

F. V. Allison, representing the American Dance Festival, spoke in support of the American Dance Festival receiving funds.

Allison Savage, representing the American Dance Festival, spoke in support of the ADF having its own line item status.

Laura Rosselli, representing the Durham Arts Guild, asked council to consider their proposal for funding.

Don Defeo, representing the Durham Arts Guild, spoke in support of their organization being considered for funding.

Tom Russo, representing the Durham Arts Guild, spoke in support of the Arts Guild being considered for funding.

John Dagenhart raised concern with a proposed budget allocation of \$85,000 for two vans and associated staffing for the provision of transportation to Parks and Recreation sites. Mr. Dagenhart noted it might be possible to provide some or all of the transportation needs thru DATA at a possible savings.

Bill Kalkhof, representing Downtown Durham, Inc., noted DDI wanted to work with the city staff to make the proposal relative to parking decks succeed.

A motion was made by Council Member McKissick to approve the manager's recommendation regarding allocation of funds for the arts. This motion was seconded by Council Member Clement.

Council Member Clement requested a friendly amendment to the motion: To allow the Durham Arts Council to administer the Community Arts Project Grants.

Council Member McKissick accepted the friendly amendment.

SUBSTITUTE MOTION by Council Member Hyman seconded by Council Member Wright to approve the Finance Committee's recommendation regarding allocation of funds to the arts as outlined below **FAILED** at 1:23 a.m. by the following vote: Ayes: Council Members Brown, Griffin, Hyman, Langley, Larson and Wright. Noes: Mayor Pro Tem Robinson and Council Members Cox, Engelhard, McKissick, Clement and Miller.

June 16, 1997

Absent: Mayor Kerckhoff.

Finance Committee's Recommendation for Arts Funding

From the 1.5-cent allocation to the Arts Initiative:

- a. Fund Durham Arts Council, Carolina Theatre, St. Joseph's, and the Capital Reserve Fund at a combined level of \$999,502.
- b. Designate 85% of the remainder, or \$118,490, for distribution by the Durham Arts Council among seven applicant agencies (African-American Dance Ensemble, American Dance Festival, Durham Arts Guild, Durham Symphony, Mallarme, Manbites Dog Theatre, Triangle Opera) by Durham Arts Council guidelines.
- c. Designate 15% of the remainder, or \$20,910, for distribution by the Durham Arts Council for community festivals.

The distribution between the arts organization and the community festivals will shift to 70% arts organizations, 30% community festivals in FY 1999. Agencies are not precluded from competing in the festival pool.

Council Member Larson requested a friendly amendment to the original motion: Procedures be established for art agencies relative to performance.

Council Member McKissick accepted Council Member Larson's friendly amendment.

MOTION by Council Member McKissick seconded by Council Member Clement to approve the Manager's recommendation regarding the funding for the arts as outlined below; and to allow the Durham Arts Council to administer the Community Arts Project Grants; and

To establish procedures to address performance of art agencies receiving funding was approved at 1:27 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Clement, Cox, Engelhard, Griffin, Hyman, McKissick and Miller. Noes: Council Members Langley, Larson, Brown and Wright. Absent: Mayor Kerckhoff.

Manager's Recommendation for Arts Funding

Arts Facilities

Durham Arts Council	\$ 412,397
Carolina Theatre	360,000
Historic St. Joseph's	207,508

June 16, 1997

Arts Organizations:

American Dance Festival	74,940
Durham Symphony	21,487
African American Dance Ensemble	21,487
Community Arts Project Grants	21,487
Facility Capital Reserve Fund	19,597

MOTION by Council Member Hyman seconded by Council Member Clement to amend the FY 1997-98 Budget to include a yard waste fee effective January 1, 1998 and to return to weekly collection of yard waste by October 1, 1997 was approved at 1:32 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Hyman, McKissick and Wright. Noes: Council Members Langley, Miller, Larson and Griffin. Absent: Mayor Kerckhoff.

a. Fiscal Year 1997-98 City of Durham Preliminary Budget

MOTION by Council Member Clement seconded by Council Member Miller to receive a report from the Administration concerning changes made by the Finance Committee and Staff to the 1997-98 City of Durham Preliminary Budget was approved at 1:37 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

b. General Fund User Fees

MOTION by Council Member Clement seconded by Council Member Miller to adopt a "Resolution Establishing Fees for Zoning and Development Reviews and Consideration **as amended** was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8354

c. Water and Sewer Rates

MOTION by Council Member Clement seconded by Council Member Miller to adopt "An Ordinance to Amend Durham City Code Section 23-41, Monthly Rates for Water Service, Sewer Service, and Water and Sewer Service" was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson

June 16, 1997

and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11157

d. Adoption of Fiscal Year 1997-98 Budget Ordinance

MOTION by Council Member Clement seconded by Council Member Miller to adopt the "1997-98 City of Durham Budget Ordinance" **as amended** was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11158

e. Resolution Establishing Fiscal Year 1997-98 Financial Service Plans for Internal Service Funds

MOTION by Council Member Clement seconded by Council Member Miller to adopt a "Resolution Establishing FY 1997-98 Financial Service Plans for Internal Service Funds" was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8355

SUBJECT: FISCAL YEAR 1996-97 BUDGET ORDINANCE AMENDMENT #4

MOTION by Council Member Larson seconded by Council Member Clement to adopt "An Ordinance Amending the 1996-97 Budget Ordinance, as Amended, the Same Being Ordinance #10753" to:

- a. increase appropriations by \$9,860,756.12;
- b. increase revenues by \$10,239,475.12; and
- c. decrease revenues by \$378,719.00

was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Ordinance #11159

June 16, 1997

**SUBJECT: RESOLUTION AMENDING RESOLUTION #8216 CONCERNING
FISCAL YEAR 1996-97 FINANCIAL SERVICE PLANS FOR
INTERNAL SERVICE FUNDS**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Amending Resolution #8216 FY 1996-97 Financial Plans for Internal Service Funds" was approved at 1:36 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8356

SUBJECT: CAPITAL AND GRANT PROJECT ORDINANCES

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning Capital and Grant Project Ordinances to be adopted; and

To adopt the following Capital Project Ordinances was approved at 1:37 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

a. Capital Project Ordinances

- 1) City of Durham Capital Project Ordinance Family Life Center at Lyon Park - **Ordinance #11161**
- 2) City of Durham Capital Project Ordinance Hillside Park (Phase Two) - **Ordinance #11162**
- 3) City of Durham Capital Project Ordinance Park Renovations - **Ordinance #11163**
- 4) City of Durham Capital Project Ordinance Parkland Acquisition - **Ordinance #11164**
- 5) City of Durham Capital Project Ordinance Playground Renovations - **Ordinance #11165**
- 6) City of Durham Capital Project Ordinance Superseding Ordinance #9298 Concerning Development of River Forest Park - **Ordinance #11166**
- 7) City of Durham Capital Project Ordinance Historic St. Joseph's Renovations - **Ordinance #11167**
- 8) City of Durham Capital Project Ordinance NC Museum of

June 16, 1997

Life and Science Expansion - **Ordinance #11168**

- 9) City of Durham Capital Project Ordinance City Facilities Renovations - **Ordinance #11169**
- 10) City of Durham Capital Project Ordinance Fleet Maintenance Emergency Power System - **Ordinance #11170**
- 11) City of Durham Capital Project Ordinance Fleet Maintenance Parking Lot Improvements - **Ordinance #11171**
- 12) City of Durham Capital Project Ordinance Fuel Tanks Removal and Replacement - **Ordinance #11172**
- 13) City of Durham Capital Project Ordinance Concerning Affordable Housing - **Ordinance #11173**
- 14) City of Durham Capital Project Ordinance 800MHz Testing System and Additional Channel - **Ordinance #11174**
- 15) Capital Project Ordinance Superseding Ordinance #11086 Concerning Fire Station #13 - South Miami Boulevard - **Ordinance #11204**
- 16) City of Durham Capital Project Ordinance Fire Storage Facility - **Ordinance #11175**
- 17) City of Durham Capital Project Ordinance Fire Training Grounds Renovations - **Ordinance #11176**
- 18) Capital Project Ordinance Superseding Ordinance #10782 Concerning Police Headquarters Improvements - **Ordinance #11177**
- 19) City of Durham Capital Project Ordinance Federal and State Transportation Matching Projects - **Ordinance #11178**
- 20) Capital Project Ordinance Superseding Ordinance #10782 Concerning Miscellaneous Thoroughfare Right-of-Way Acquisition and Construction - **Ordinance #11179**
- 21) City of Durham Capital Project Ordinance New Sidewalk Construction - **Ordinance #11180**
- 22) City of Durham Capital Project Ordinance Sidewalk and Replacement (Including ADA Sidewalk Compliance) - **Ordinance #11181**
- 23) Capital Project Ordinance Superseding Ordinance #10791 Concerning Street Capacity and Safety Improvements - **Ordinance #11182**

June 16, 1997

- 24) City of Durham Capital Project Ordinance Street Paving - **Ordinance #11183**
- 25) Capital Project Ordinance Superseding Ordinance #10785 Concerning Interim Amtrak Station Improvements - **Ordinance #11184**
- 26) Capital Project Ordinance Concerning Multi-Modal Transportation Center - **Ordinance #11185**
- 27) Capital Project Ordinance Concerning Asbestos Cement Line Replacement - **Ordinance #11186**
- 28) Capital Project Ordinance Concerning Brown Water Treatment Plant Rehabilitation - **Ordinance #11187**
- 29) Capital Project Ordinance Concerning Future Water Supply and Quality Protection - **Ordinance #11188**
- 30) Capital Project Ordinance Superseding Ordinance #10533 Concerning Water Lines Extensions and Improvements - **Ordinance #11189**
- 31) Capital Project Ordinance Concerning Williams Water Treatment Plant Rehabilitation - **Ordinance #11190**
- 32) Capital Project Ordinance Superseding Ordinance #10799 Concerning Durham County Water and Sewer Lines - **Ordinance #11191**
- 33) Capital Project Ordinance Concerning North Durham Water Reclamation Facility Plant A Renovations - **Ordinance #11192**
- 34) Capital Project Ordinance Concerning Sewer Rehabilitation - **Ordinance #11193**

b. Grant Project Ordinances

MOTION by Council Member Larson seconded by Council Member Miller to adopt the following Grant Project Ordinances was approved at 1:37 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

- 1) City of Durham and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance - FY 1997-98 - **Ordinance #11194**

June 16, 1997

- 2) City of Durham Grant Project Ordinance FY 1997-98 Transit Section 3 and Section 9 Capital Grants - **Ordinance #11195**
- 3) City of Durham Grant Project Ordinance Transit Planning Grants FY 1997-98 - **Ordinance #11196**
- 4) City of Durham Community Development Block Grant 1997-98 - **Ordinance #11197**
- 5) City of Durham Grant Project Ordinance HOME Consortium Program 1997-98 - **Ordinance #11198**
- 6) City of Durham Employment and Training Project Ordinance July 1, 1997-June 30, 1998 - **Ordinance #11199**
- 7) City of Durham Employment and Training Project Ordinance for Federal Grant July 1, 1997 Until All Funds Are Expended - **Ordinance #11200**
- 8) City of Durham Employment and Training Project Ordinance for Federal Grant October 1, 1997 Until All Funds Are Expended - **Ordinance #11201**
- 9) City of Durham Grant Project Ordinance Amending #10642 Department of Housing and Urban Development FY 1995-96 - **Ordinance #11202**

SUBJECT: FILING FEES FOR CANDIDATES TO MUNICIPAL OFFICE IN THE CITY OF DURHAM

MOTION by Council Member Clement seconded by Council Member Miller to adopt a "Resolution Fixing the Amount of the Required Filing Fees for Candidates to Municipal Office in the City of Durham" was approved at 1:37 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

Resolution #8357

SUBJECT: JACKIE ROBINSON PLACE LEASE - CBC REAL ESTATE, INC., DIAMOND VIEW OFFICE BUILDING

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a lease with CBC Real Estate, Inc. for the lease of the former right-of-

June 16, 1997

way of Jackie Robinson Place and adjacent City property for an initial annual rental of \$22,080 for the construction and use as a surface parking lot for the Diamond View Office Building proposed to be constructed on an adjacent property; and

To authorize the City Manager to make minor changes to the lease that do not affect the rent, term, or intended use of the property as stated in the lease was approved at 1:37 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Cox. Absent: Mayor Kerckhoff.

SUBJECT: PROPOSED LAND ACQUISITION FOR RELOCATION OF FIRE STATION #4, PROPERTY OF UNION REALTY & INSURANCE COMPANY

MOTION by Council Member Larson seconded by Council Member Wright to authorize the acquisition of approximately 2.654 acres, land only, Tax Map 407-1-003 (partial), property of Union Realty & Insurance Company, for \$200,000.00 was approved at 1:38 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: AMENDMENT #3 TO CONTRACT BETWEEN THE CITY OF DURHAM, NORTH CAROLINA AND SUNSHARES, INC. FOR RECYCLING SERVICES

MOTION by Council Member Clement seconded by Council Member Larson to authorize the City Manager to execute Amendment #3 to Contract between the City of Durham, North Carolina and Sunshares, Inc. for Recycling Services was approved at 1:38 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Cox. Absent: Mayor Kerckhoff.

SUBJECT: SITE PLAN APPROVAL - DURHAM BULLS STADIUM EXPANSION AND DIAMOND VIEW OFFICE BUILDING

MOTION by Council Member Clement seconded by Council Member Miller to approve a site plan for Durham Bulls Stadium expansion and Diamond View Office Building, submitted by C.B.C.I., L.L.C., consisting of an 80,000 square-foot office

June 16, 1997

building, parking and seat expansion for the ballpark, on 4.85 acres, zoned CBD, located on the east side of Blackwell Street, west side of South Mangum Street, between Jackie Robinson Place and Willard Street (Tax Maps 40-2-1, 40-4-1 and 2, and 40-5-1) was approved at 1:38 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Mayor Kerckhoff.

SUBJECT: CIVIC CENTER AIR LEASE AGREEMENT

To authorize the City Manager to execute an Amendment to the Civic Center Air Lease Agreement.

A motion was made by Council Member Larson to execute an Amendment to the Civic Center Air Lease Agreement. This motion was seconded by Council Member Miller.

SUBSTITUTE MOTION by Council Member Cox seconded by Council Member McKissick to refer this item to the Finance Committee **FAILED** at 1:41 a.m. by the following vote: Ayes: Council Members Cox, McKissick, Griffin, Brown and Wright. Noes: Mayor Pro Tem Robinson and Council Members Langley, Hyman, Engelhard, Clement, Miller and Larson. Absent: Mayor Kerckhoff.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an Amendment to the Civic Center Air Lease Agreement was approved at 1:41 a.m. by the following vote: Ayes: Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Cox. Absent: Mayor Kerckhoff.

At this time, Mayor Pro Tem Robinson announced that City Attorney William I. Thornton would be retiring from the City of Durham on June 30, 1997. The Council congratulated Mr. Thornton on his upcoming retirement.

There being no further business to come before the Council, the meeting was adjourned at 1:47 a.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk